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September 24, 2012

Via ECF

Honorable Faith S. Hochberg
United States District Court
District of New Jersey
Post Office & Courthouse Building
50 Walnut Street
Newark, NJ 07101

Re: *Miguel A. de Jesus v. RBS/ABN AMRO Inc.*
Civil Action No. 12-cv-04395

Dear Judge Hochberg:

This firm represents Defendant The Royal Bank of Scotland N.V. ("RBS") in the above-referenced matter. We write in connection to Plaintiff Miguel de Jesus' letter dated September 10, 2012 (Dkt. # 12), wherein he requests the issuance of subpoenas directed to various individuals and entities. As explained below, RBS respectfully submits that Plaintiff's request for subpoenas at this stage in the proceedings is improper.

First, on July 30, 2012, RBS moved to dismiss Plaintiff's Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure ("Fed.R.Civ.P.") 12(b)(6). That motion is currently pending. If Plaintiff's Complaint is dismissed, no documents or information available to the individuals and entities identified in his September 10, 2012 letter can be either relevant or necessary to his claims.

Second, even if Plaintiff's Complaint were to survive the motion to dismiss, the subpoena request remains improper at this time because: (i) this Court has not conducted a Rule 16 scheduling conference or set discovery deadlines; and (ii) the parties have not conferred pursuant to Fed.R.Civ.P. 26(f), and Fed.R.Civ.P. 26(d) prevents parties from seeking discovery from any source prior to such a meeting.

For these reasons, the request for issuance of subpoenas is currently premature. Nevertheless, should the Court be inclined to entertain Plaintiff's discovery demand at this time, Defendant respectfully requests the opportunity to fully object to (i.e., move to quash) the proposed subpoenas.

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Respectfully submitted,

/s/ John P. Barry

John P. Barry

cc: Miguel A. de Jesus (via UPS Next Day Air)